IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

WRIT PETITION NO. 2885 OF 2006.

M/S. PREM CONSTRUCTION & CO. ... PETITIONERS.

VS.

B.M.C. & ORS. ... RESPONDENTS.

R.M.NAKHAWA I/B. V.B.DHAWAN FOR THE PETITIONERS.

MR. SAKHARE SR. ADVOCATE WITH MS. KHATU FOR THE BMC.

MS. NEETA MADHYAN FOR RESPONDENT 6& 8.

CORAM : J.N.PATEL & A.A.SAYED,JJ.

DATE : June 13, 2007.

1. Not on board.

2. Heard the learned Counsel for the parties.

3. Learned Sr. Advocate Mr. Sakhare appearing for the Municipal Corporation makes a satement that Corporation may be granted leave to re-examine the case for grant of licence, in favour of the Respondent No. 5 & 6, for conducting Goldsmith work-shop. It is further made clear that due notice would be given to the parties interested in the matter and after hearing the parties, appropriate decision would be taken.

3. In our view the petition can be disposed of accepting the statement made on behalf of the

Municipal Corporation. We also observe that the Corporation should not restict itself to the issue of grant of licence to Respondent 4 & 5 and it is particularly so when the Respondent No. 5 & 6 have drawn attention of this Court to the fact that the Petitioner had not obtained occupation certificate from the Municipal Corporation though the whole building is under occupation of the Society. As this would avoid multiplicity of the proceedings and even otherwise, it is a statutory duty of the Corporation to take appropriate steps in such matters in accordance with the provisions of the Muncipal Corporation Act and D.C. Regulations.

4. With these observations, the writ petition stands disposed of.

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[A.A.SAYED, J.] [J.N.PATEL,J.]